

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

David Johnson,

Civil No. 08-6064 (RHK/JJG)

Plaintiff,

ORDER

v.

John King,

Defendant.

The above-entitled matter came before the Court upon the Report and Recommendation of the United States Magistrate Judge. No objections have been filed to that Report and Recommendation in the time period permitted.

Based upon the Report and Recommendation of the Magistrate Judge, and all the files, records and proceedings herein, **IT IS ORDERED:**

1. The Report and Recommendation (Doc. No. 17) is **ADOPTED**;
2. Petitioner's request for a stay (Doc. No. 16) is **DENIED**; and
3. This case is **DISMISSED WITHOUT PREJUDICE** so that Petitioner can pursue his post-conviction remedies in state court.

Dated: July 31, 2009

s/Richard H. Kyle
RICHARD H. KYLE
United States District Judge